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The replacement of the claims appendix filed 11/08/08 for the Appeal Brief filed 1/24/07 is accepted. The Examiner's Answer of 6/20/07 stands.

Further, Applicant asks the Board to instruct the Examiner to Allow the claims. The function of the Board is to review the rejection, and as such should the Board find the rejections deficient, the case will be returned to the Examiner for continued prosecution, not necessarily Allowance. In the event the rejections are overturned on Appeal, new rejections may be required to ensure quality.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryce P. Bonzo whose telephone number is (571)272-3655. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571)272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bryce P Bonzo/
Primary Examiner, Art Unit 2113